

PROB 12C - SD  
(SD 04/19)

**UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF SOUTH DAKOTA**

**AMENDED Petition to Revoke Supervised Release**

**U.S.A. vs. Judah Conrad Wainscoat**

Docket No.: **4:20CR40096-001**

Sentencing Judge: **The Honorable Karen E. Schreier**

Original Sentence:  
Imprisonment: **15 months**

Supervised Release: **36 months**

Date of Original Sentence: **04/26/2021**

Original Offense: **Possession of a Firearm While Under Indictment**

Statutory Custody Maximum for Revocation: **2 years custody**

Supervision Commencement Date: **11/18/2021**

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**Petitioning the Court**

The probation officer believes Mr. Judah Conrad Wainscoat has not complied with the following condition(s) of supervision:

1. On or about 05/30/2022 and 06/19/2022, at Sioux Falls, SD, Judah Conrad Wainscoat did unlawfully use a controlled substance, that is, methamphetamine, in violation of Mandatory Condition No. 3 of the Conditions of Supervised Release.
2. On or about 06/26/2022, at Sioux Falls, SD, Judah Conrad Wainscoat engaged in conduct which constitutes violations of state laws, that is Possession of a Controlled Substance (Class 5 Felony) and Use or Possession of Drug Paraphernalia (Class 2 Misdemeanor), in violation of Mandatory Condition No. 1 of the Conditions of Supervised Release.
3. On or about 07/05/2022 and 07/06/2022, at Sioux Falls, SD, Judah Conrad Wainscoat did unlawfully use a controlled substance, that is, methamphetamine, in violation of Mandatory Condition No. 3 of the Conditions of Supervised Release.
4. On or about 08/15/2022, at Sioux Falls, SD, Judah Conrad Wainscoat did fail to participate in a cognitive behavioral program (CBISA) as directed, in violation of Special Condition No. 2 of the Conditions of Supervised Release.
5. On or about 10/10/2022, 11/03/2022 and 12/03/2022, at Sioux Falls, SD, Judah Conrad Wainscoat did unlawfully use a controlled substance, that is, methamphetamine, in violation of Mandatory Condition No. 3 of the Conditions of Supervised Release.
6. On or about 12/08/2022, at Sioux Falls, SD, Judah Conrad Wainscoat did fail to participate in a cognitive behavioral program (CNVC) as directed, in violation of Special Condition No. 2 of the Conditions of Supervised Release.
7. On or about 01/11/2023, 01/12/2023, and 01/13/2023, at Sioux Falls, SD, Judah Conrad Wainscoat did fail to report to the probation officer as instructed, in violation of Standard Condition No. 2 of the Conditions of Supervised Release.
8. **On or about 01/25/2023, at Sioux Falls, SD, Judah Conrad Wainscoat engaged in conduct which constitutes violations of state laws, that is Possession of a Controlled Substance (Class 5 Felony) and Use or Possession of Drug Paraphernalia (Class 2 Misdemeanor), in violation of Mandatory Condition No. 1 of the Conditions of Supervised Release.**

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### Summary of Current Period of Supervision

Mr. Wainscoat began his term of supervision residing with his sister and her family in Hurley, SD. He was enrolled in individual drug treatment sessions at Lewis & Clark in Yankton. His attendance was poor. He used methamphetamine on 01/18/2022. He was instructed to have no contact with drug using friends and to regularly attend drug counseling sessions. He used methamphetamine again on 01/25/2022. The Court was notified of these violations. Mr. Wainscoat obtained employment at Boss' Pizza in Tea, SD in February of 2022. On 03/29/2022 Mr. Wainscoat was cited by Tea Police for Driving on a Suspended License.

Mr. Wainscoat attempted to use a device with fake urine for a urine test at Lewis & Clark on 04/01/2022. He eventually provided a real sample, and it was positive for methamphetamine. He admitted to using methamphetamine on 03/28/2022, 03/29/2022, and 03/30/2022. The Court was informed of his drug uses and he was continued in drug treatment. Mr. Wainscoat admitted to using methamphetamine with three coworkers on 05/01/2022 after an argument with his sister over transportation. Mr. Wainscoat quit his job at Boss' Pizza on 05/14/2022 when he walked out during a shift and failed to return. The probation office could not locate Mr. Wainscoat until 05/18/2022. He was told he must report to the office or face revocation. During the office meeting, Mr. Wainscoat admitted to using methamphetamine on 05/14/2022 and 05/15/2022 while staying at a friend's house. The Court was notified of these violations and Mr. Wainscoat was instructed to see his family doctor to get back on his medications for attention deficit disorder and anxiety. He was to continue attending individual drug counseling at Lewis & Clark and do weekly drug testing at Glory House.

Mr. Wainscoat missed multiple urine tests and some counseling sessions. When confronted about his missed urine tests, he admitted to using methamphetamine on 05/30/2022 and 06/19/2022. Mr. Wainscoat was arrested on 06/26/2022 for Possession of a Controlled Substance and Possession of Drug Paraphernalia. He was the passenger of a car driven by a state parole absconder. Officers located a small box inside the vehicle that contained a trace amount of methamphetamine and a syringe cap. The arresting officer asked Mr. Wainscoat for a urine sample at the jail, he refused. Mr. Wainscoat was released from jail on 06/27/2022. He was required to do a drug evaluation at Carroll Institute. Carroll Institute recommended he attend their Cognitive Behavioral Interventions for Substance Abuse (CBISA) group along with individual counseling. During a probation office visit Mr. Wainscoat provided a positive urine sample. He admitted to using methamphetamine on 07/05/2022 and 07/06/2022.

Mr. Wainscoat began CBISA on 07/28/2022. However, he missed four of the first six groups and was terminated from the program. During one of the sessions he did attend, Mr. Wainscoat yelled at the therapist and threw his paperwork at her. Carroll staff indicated Mr. Wainscoat was confrontational and belligerent during group discussions. Throughout his term of supervision, Mr. Wainscoat failed to report for drug testing on numerous occasions. When confronted about this, Mr. Wainscoat always had a different excuse.

After his termination from CBISA, he was instructed to attend weekly Criminogenic Needs and Violence Curriculum (CNVC) groups held at the probation office starting on 10/12/2022. During a home visit on 10/14/2022, Mr. Wainscoat's urine sample tested positive for methamphetamine. He admitted to using the substance on 10/10/2022 after losing his job at Dave and Buster's for excessive absences. Mr. Wainscoat provided another positive urine test on 11/07/2022. He denied using methamphetamine, but the laboratory later confirmed his test was positive for the substance. He later admitted to using methamphetamine on 11/03/2022. Mr. Wainscoat was terminated from CNVC on 12/08/2022 for excessive absences. During a probation office visit on 12/08/2022, Mr. Wainscoat admitted to using methamphetamine on 12/03/2022.

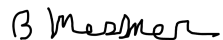
Mr. Wainscoat failed to meet with the probation officer as instructed on 12/21/2022 and 12/28/2022. He later reported he was sick with the flu on those days. Mr. Wainscoat also failed to meet with the probation officer on 01/11/2023, 01/12/2023, and 01/13/2023, and he will not answer calls from the probation office.

**Mr. Wainscoat was arrested by Sioux Falls police on 01/25/2023 during a traffic stop. Officers found a small amount of methamphetamine in the vehicle that Mr. Wainscoat was driving. He was charged with Possession of a Controlled Substance and Possession of Drug Paraphernalia. The charges are pending in Second Judicial Circuit Court, Sioux Falls.**

I, Brian Messner, a Probation and Pretrial Services Officer employed in the U.S. District Court for the District of South Dakota, solemnly affirm and declare, under penalty of perjury, that to the best of my information and belief, the facts set forth in this affidavit are true and correct.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "B Messner", with a stylized flourish at the end.

Brian Messner  
U.S. Probation/Pretrial Services Officer  
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Date: **01/30/2023**